

REMARKS

Claims 6-12 and 17-23 are presently pending in the application. Claims 1-23 are rejected. Claims 1-5 and 13-16 have been cancelled. Claims 6, 7, 10, 11, 17, 18, 21 and 22 have been amended.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-10 and 13-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Flierman et al. (US 6,067,495), in view of Nada (US 2001/0029414).

Applicant has cancelled claims 1-5 and rewritten claim 6 in independent form. Applicant respectfully submits that none of the references cited by the Examiner, either solely or in combination with one another, render amended claim 6 as obvious. Amended claim 6 notes that the torque request generation module compares the vehicle speed to a creep speed threshold of the three-dimensional torque surface and selectively calculates one of a coast down region torque request and a creep region torque request based on whether the vehicle speed exceeds a creep speed threshold.

Applicant respectfully points out to the Examiner that the calculation techniques follow different procedures based on whether the vehicle speed exceeds the creep speed threshold. Details regarding the torque request generation module and the two torque request calculations may be found at paragraphs 31-35. Claims 7 and 10 have been amended to clarify the calculation to which they pertain.

Claim 17 has been amended in substantially similar fashion to claim 6. As such, Applicant respectfully relies on the arguments previously set forth relating to claim 6. Claims 18 and 21 have been amended to identify the torque request calculation to which they pertain. Based on the amendments and arguments previously set forth,

Applicant respectfully requests withdrawal of the § 103 rejections to claims 6-10 and 17-21.

Claims 11-12 and 22-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Flearman et al. (US 6,067,495), in view of Nada (US 2001/0029414) and further in view of Bellinger (US 5,738,606).

Applicant respectfully submits that none of the references cited by the Examiner, either solely or in combination with one another, render claims 11, 12, 22 and 23 as obvious. In particular, Applicant respectfully submits that claims 11 and 22 recite a torque request elevation module that compares a pedal command to a predetermined threshold and elevates the torque request as a function of an amount by which the pedal command exceeds the predetermined threshold relative to an upper range of pedal command. None of the references cited by the Examiner teach or suggest the claimed torque request elevation module or method.

On the contrary, Bellinger describes a memory unit of a control computer containing a generated calibration which has multiple engine fueling rates EFR_{GR} associated therewith, which correspond to the maximum input torque capacities of selected gear ratios of a given transmission. The control computer is operable to retrieve the engine fueling rate from the memory unit. Alternatively, specific transmission gear ratios and corresponding maximum input torque limits may be stored within a memory unit. The control computer is operable to compute an engine fueling rate from a parent engine fueling rate to provide the maximum torque input limits for a specific gear ratio of the transmission. This arrangement of looking up or calculating various engine fueling rates based on which particular gear ratio is being used does not

teach or suggest comparing a pedal command to a predetermined threshold and elevating the torque request as a function of an amount by which the pedal command exceeds the predetermined threshold relative to an upper range of pedal command as defined by the presently claims. Accordingly, Applicant respectfully requests withdrawal of the § 103 rejections.

CONCLUSION

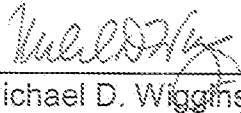
All of the grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding office action, and as such, the present application is in condition for allowance.

If it is believed that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600. Prompt and favorable consideration of this amendment is respectfully requested.

Respectfully submitted,

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By: _____


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